

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEATTLE TIMES COMPANY,

Plaintiff,

v.

LEATHERCARE, INC.; STEVEN RITT;
and the marital community composed of
STEVEN RITT and LAURIE ROSEN-
RITT,

Defendants/Third-Party
Plaintiffs,

v.

TOUCHSTONE SLU LLC; and
TB TS/RELP LLC,

Third-Party Defendants.

JUDGMENT IN A CIVIL CASE

CASE NO. C15-1901 TSZ

 Jury Verdict. This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came on for consideration before the court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT

(1) The claim under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) asserted by plaintiff Seattle Times Company (“Seattle Times”) against defendant LeatherCare, Inc. (“LeatherCare”) is DISMISSED.

(2) The claims under CERCLA and Washington's Model Toxics Control Act ("MTCA") asserted by Seattle Times against defendants Steven Ritt and the marital community composed of Steven Ritt and Laurie Rosen-Ritt are DISMISSED.

(3) The claim under MTCA asserted by Seattle Times against LeatherCare for recovery of costs (\$348,087.00) associated with the soil vapor extraction system designed, installed, and operated by AECOM Environment is DISMISSED.

(4) Judgment is entered in favor of third-party defendants and cross-claimants Touchstone SLU LLC and TB TS/RELP LLC (collectively, "Touchstone") and against Seattle Times on Touchstone's breach of contract claim premised on the Environmental Remediation and Indemnity Agreement ("ERIA") in the amount of \$3,377,093.44.

(5) Judgment is entered in favor of Touchstone and against LeatherCare on Touchstone's MTCA claim in the amount of \$3,580,676.85.

(6) Seattle Times and LeatherCare are severally, not jointly, liable to Touchstone under MTCA, and neither party may recover from the other any portion of the amounts allocated to each of them, respectively, under MTCA.

(7) Touchstone's total recovery, under the ERIA and/or MTCA, including prior payments by Seattle Times in the amount of \$4,783,434.17, shall not exceed \$8,364,111.02.

(8) Because Seattle Times has paid Touchstone more than what it owes under MTCA, and Seattle Times is entitled to reimbursement from LeatherCare for the overpayment, judgment is entered in favor of Seattle Times and against LeatherCare in the amount of \$1,854,755.39.

(9) All judgment amounts shall bear interest pursuant to 28 U.S.C. § 1961, at the rate of two and forty-four hundredths of one percent (2.44%) per annum, from the date of judgment until paid in full.

(10) Future response costs related to groundwater treatment, regulatory review, or operation of the 103 injection wells at the real property bounded by Fairview Avenue North, Thomas Street, Boren Avenue North, and Harrison Street in Seattle, Washington shall be allocated as follows: (a) Seattle Times shall pay a 31/103 share; (b) LeatherCare shall pay a 29/103 share; and (c) Touchstone shall pay a 43/103 share.

(11) Touchstone may tax costs in the manner set forth in Local Civil Rule 54(d).

DATED this 15th day of August, 2018.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk